

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By way of the foregoing, Claims 1-9 have been canceled and Claim 10 has been placed in independent form. Thus, the claims currently pending in this application are Claims 10-18, with Claim 10 being the only independent claim.

Claim 18 has been amended without narrowing the claim scope to correct a minor typographical error.

The only issue raised in the Official Action regarding Claim 10 involves the anticipatory rejection based on the disclosure contained in published International Application No. WO 01/19318 to *Mongomery et al.* This rejection is respectfully traversed for at least the following reasons.

The rejection based on the disclosure contained in *Mongomery et al.* is said to be based on 35 U.S.C. § 102(a). *Mongomery et al.* was published on March 22, 2001. The March 16, 2001 filing date of the present U.S. application precedes this March 22, 2001 publication date of *Mongomery et al.*. Thus, *Mongomery et al.* does not qualify as prior art 35 U.S.C. § 102(a) with respect to the claims of this application because the subject matter in *Mongomery et al.* was not published "before the invention thereof by the applicant for patent." Thus, the rejection based on the disclosure in *Mongomery et al.* is improper and should be withdrawn. Considering that *Mongomery et al.* does not qualify as prior art against the claims of this application, it is not necessary to discuss other reasons

why the claims at issue here are patentably distinguishable over the disclosure in  
*Mongomery et al.*

The only issue raised in the Official Action regarding Claim 10 has been addressed.  
It is thus believed that this application is in condition for allowance and such action is  
earnestly solicited.

Should any questions arise in connection with this application or should the  
Examiner believe that a telephone conference with the undersigned would be helpful in  
resolving any remaining issues pertaining to this application, the undersigned respectfully  
requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 2, 2003

By: Matthew L. Schneider  
Matthew L. Schneider  
Registration No. 32,814

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620